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7 Attorney for Charles Dylan Kay

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Respondent/Plaintiff,

12 v.

13 CHARLES DYLAN KAY,

14 Petitioner/Defendant.

Case No. 2:03-cr-00074-GMN-1

**STIPULATION TO EXTEND THE
REPLY DEADLINE**

(First Request)

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,
17 United States Attorney, and Elizabeth Olson White, Assistant United States Attorney, counsel
18 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
19 Nisha Brooks-Whittington, Assistant Federal Public Defender, counsel for
20 Charles Dylan Kay (“Mr. Kay”), submit the following Stipulation to extend the
21 due date for defendant’s Reply to Government’s Opposition to Motion to Vacate, Set Aside, or
22 Correct Criminal Convictions and Sentence Pursuant to 28 U.S.C. § 2255 to March 7, 2017.

23 This Stipulation is entered into for the following reasons:

24 1. On December 22, 2016, Mr. Kay filed a Motion to Vacate under 28 U.S.C.
25 § 2255 (“Motion to Vacate”). ECF No. 38. On December 23, 2016, this Court ordered the
26 government to file a response to the Motion to Vacate by February 6, 2016. ECF No. 39. On

1 February 3, 2017, the government filed its Opposition to Mr. Kay's Motion to Vacate. ECF No.
2 40.

3 2. The Court ordered a Reply deadline of February 20, 2017. *See* ECF No. 39. In
4 addition to Mr. Kay's Reply deadline, undersigned counsel is also working on 3 other cases
5 related to *Johnson v. United States*, 135 S. Ct. 2551 (2015), which are also due on
6 February 21, 2017. Consequently, counsel for Mr. Kay requests additional time to review,
7 research, and prepare Mr. Kay's Reply to the government's Opposition. For that reason, the
8 parties agree to a fourteen (14) day continuance from February 20, 2017 to March 7, 2017 for
9 Mr. Kay to file his Reply.

10 DATED this 21st day of February, 2017.

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12 RENE L. VALLADARES
Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

13
14 /s/ Nisha Brooks-Whittington
By _____
15 NISHA BROOKS-WHITTINGTON
16 Assistant Federal Public Defender

/s/ Elizabeth Olson White
By _____
ELIZABETH OLSON WHITE
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
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ORDER

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10 Based on the Stipulation of counsel and good cause appearing,
11 IT IS THEREFORE ORDERED that the Reply deadline is March 7, 2017.
12 DATED this 22 of February, 2017.

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15 UNITED STATES DISTRICT JUDGE
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